

1 DANIEL G. BOGDEN
United States Attorney
2 District of Nevada
CARLOS A. GONZALEZ
3 Assistant United States Attorney
333 Las Vegas Blvd. So., #5000
4 Las Vegas, Nevada 89101
Ph: (702) 388-6336
5 Fax: (702) 388-6787

6 Attorneys for the United States.

7
8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 YEKATERINA KHRONUSOVA,)
)
11 Plaintiff,)
)
12 v.) Case No. 2:06-cv-1437-RCJ-GWF
)
13 ALBERTO R. GONZALES, U.S.)
Attorney General;)
14)
Defendants.)
15 _____)

16 **FEDERAL DEFENDANTS' MOTION TO DISMISS AS MOOT**
17 **PLAINTIFF'S FIRST AMENDED COMPLAINT FOR WRIT**
IN THE NATURE OF MANDAMUS & DECLARATORY JUDGMENT

18 The Federal Defendants, Department of Homeland Security,
19 Citizenship and Immigration Services ("CIS"), and the Federal
20 Bureau of Investigation ("FBI"), by Daniel G. Bogden, United
21 States Attorney for the District of Nevada, and Carlos A.
22 Gonzalez, Assistant United States Attorney, respectfully request
23 that this honorable Court dismiss as moot Plaintiff's First
24 Amended Complaint for Writ In the Nature of Mandamus &
25 Declaratory Judgment (Docket #2).

26 . . .

1 This Motion is based on the Memorandum of Points and
2 Authorities attached hereto and incorporated herein.

3 DATED this 16th day of January, 2007.

4 Respectfully submitted,

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ CARLOS A. GONZALEZ
8 CARLOS A. GONZALEZ
9 Assistant United States
 Attorney

10 OF COUNSEL:

11 David L. Peters
12 U.S. Citizenship and Immigration Services

13 David Staretz
14 Federal Bureau of Investigation
15
16
17
18
19
20
21
22
23
24
25
26

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

On November 13, 2006, Plaintiff filed her First Amended Complaint for Writ in the Nature of Mandamus & Declaratory Judgement ("Complaint") (#2). Summonses were issued to all named Federal Defendants on November 13, 2006 (#3-8). Plaintiff served a copy of the Summons and Complaint on the United States Attorney's Office for the District of Nevada by certified mail on November 14, 2006. The Federal Defendants' answer is due today, January 16, 2007.

The CIS has notified undersigned counsel that Plaintiff's Form I-485, Application to Register Permanent Resident or Adjust Status, has been approved.¹ For this reason, the Federal Defendants request that this honorable Court dismiss as moot Plaintiff's Complaint.

II. ARGUMENT

The mootness doctrine applies to a complaint for which relief has already been granted. *See Idaho Dept. of Fish & Game v. National Marine Fisheries Service*, 56 F.3d 1071, 1074-75 (9th Cir. 1995). A case should be dismissed as moot when "there is no effective relief remaining for a court to provide." *GATX/Airlog Co. v. U.S. Dist. Court for Northern Dist. of California*, 192 F.3d 1304, 1306 (9th Cir. 1999) (citation omitted). *See also, State of Nev., ex rel. Nevada State Bd. of Agriculture v. United*

¹ See attached Exhibit 1, approved Form I-458.

1 *States*, 699 F.2d 486, 487 (9th Cir. 1983) (following the "general
2 rule that when actions complained of have been completed or
3 terminated, declaratory judgment and injunctive actions are
4 precluded by the doctrine of mootness").

5 On January 11, 2007, the CIS notified this office that
6 Plaintiff's Form I-485, Application to Register Permanent
7 Resident or Adjust Status, has been approved. A copy of the
8 approved I-485 is attached as Exhibit 1. Because the relief
9 Plaintiff sought through his Complaint has been granted by the
10 CIS, there is no further relief remaining for this Court to
11 provide.

12 . . .

13 . . .

14 . . .

15 . . .

16 . . .

17 . . .

18 . . .

19 . . .

20 . . .

21 . . .

22 . . .

23 . . .

24 . . .

25 . . .

26 . . .

1 **III. CONCLUSION**

2 The CIS having approved Plaintiff's Form I-485, Application
3 to Register Permanent Resident or Adjust Status, Plaintiff's
4 Complaint should now be dismissed as moot.

5 DATED this 16th day of January, 2007.

6 Respectfully submitted,

7 DANIEL G. BOGDEN
8 United States Attorney

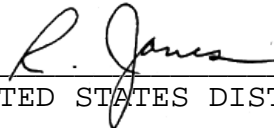
9 /s/ Carlos A. Gonzalez
10 Carlos A. Gonzalez
11 Assistant United States
12 Attorney

13 OF COUNSEL:

14 David L. Peters
15 U.S. Citizenship and Immigration Services

16 David Staretz
17 Federal Bureau of Investigation

18 IT IS SO ORDERED:

19 
20 UNITED STATES DISTRICT JUDGE

21 DATE: March 23, 2007
22
23
24
25
26